

Drm (03-201 apcb)
permit by rule
12/3/03

TITLE 326 AIR POLLUTION CONTROL BOARD

DRAFT RULE
#03-201(APCB)

DIGEST

Amends 326 IAC 2-10-2 and 326 IAC 2-10-6 and readopts 326 IAC 2-10-1, 326 IAC 2-10-3, 326 IAC 2-10-4 and 326 IAC 2-10-5. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: August 1, 2003, Indiana Register (26 IR 3757).

Second Notice of Comment Period: October 1, 2003, Indiana Register (27 IR 293).

Notice of First Hearing: 27 IR 295.

Date of First Hearing: December 3, 2003.

326 IAC 2-10-1

326 IAC 2-10-2

326 IAC 2-10-3

326 IAC 2-10-4

326 IAC 2-10-5

326 IAC 2-10-6

SECTION 1. 326 IAC 2-10-1 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-10-1 Limiting potential to emit

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) A source that would otherwise be required to have a permit under 326 IAC 2-6.1, 326 IAC 2-7, 326 IAC 2-8, or an operating agreement as described in 326 IAC 2-9 may limit its potential to emit by complying with the conditions of this rule. A source complying with this rule is not subject to 326 IAC 2-6.1, 326 IAC 2-7, 326 IAC 2-8, or 326 IAC 2-9 unless otherwise required by federal law.

(b) A source complying with this rule may at any time apply for a state operating permit under

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326 IAC 2-6.1, Part 70 permit under 326 IAC 2-7, a FESOP under 326 IAC 2-8, or an operating agreement under 326 IAC 2-9, as applicable. (*Air Pollution Control Board; 326 IAC 2-10-1; filed Sep 5, 1996, 11:00 a.m.: 20 IR 10; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1063*)

SECTION 2. 326 IAC 2-10-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-10-2 Definitions

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 2. The definitions provided in ~~IC 13-1-1-2, IC 13-7-1 [IC 13-1-1-2 and IC 13-7-1 were repealed by P.L. 1-1996, SECTION 99, effective July 1, 1996.]~~ IC 13-11-2, 326 IAC 1-2, and 326 IAC 2-7 shall apply to this rule. (*Air Pollution Control Board; 326 IAC 2-10-2; filed Sep 5, 1996, 11:00 a.m.: 20 IR 10*)

SECTION 3. 326 IAC 2-10-3 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-10-3 Conditions

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 3. The conditions of this rule that limit potential to emit are as follows:

(1) The source limits actual emissions for every twelve (12) month period to less than twenty percent (20%) of any threshold for the following:

(A) A major source of regulated air pollutants.

(B) A major source of hazardous air pollutants, as defined in Section 112 of the Clean Air Act.

(2) The source does not rely on air pollution control equipment to comply with subdivision (1).

(*Air Pollution Control Board; 326 IAC 2-10-3; filed Sep 5, 1996, 11:00 a.m.: 20 IR 10*)

SECTION 4. 326 IAC 2-10-4 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-10-4 Demonstration of compliance

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 4. Not later than thirty (30) days after receipt of a written request by the department or

U.S. EPA, the owner or operator shall demonstrate that the source is in compliance with the conditions provided in section 3 of this rule. The demonstration of compliance shall be based on actual emissions for the previous twelve (12) months and may include, but is not limited to, fuel or material usage, or production records. No other demonstration of compliance shall be required. (*Air Pollution Control Board; 326 IAC 2-10-4; filed Sep 5, 1996, 11:00 a.m.: 20 IR 10*)

SECTION 5. 326 IAC 2-10-5 IS READOPTED TO READ AS FOLLOWS:

326 IAC 2-10-5 Compliance with other provisions

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 5. (a) This rule does not affect a source's requirement to comply with provisions of any other applicable federal, state, or local requirement, except as specifically provided in section 1 of this rule.

(b) A source subject to this rule shall be subject to applicable requirements for a major source, including 326 IAC 2-7, if:

(1) at any time the source is not in compliance with the conditions provided in section 3 of this rule; or

(2) the source does not timely or adequately demonstrate compliance with the conditions in section 3 of this rule as required under section 4 of this rule.

(*Air Pollution Control Board; 326 IAC 2-10-5; filed Sep 5, 1996, 11:00 a.m.: 20 IR 10*)

SECTION 6. 326 IAC 2-10-6 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-10-6 Enforcement

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 6. Any violation of this rule may result in administrative or judicial enforcement proceedings under ~~IC 13-7-11 [IC 13-7-11 was repealed by P.L. 1-1996, SECTION 99, effective July 1, 1996.] IC 13-30-3~~ and penalties under ~~IC 13-7-13 [IC 13-7-13 was repealed by P.L. 1-1996, SECTION 99, effective July 1, 1996.] IC 13-30-4, IC 13-30-5 or IC 13-30-6.~~ (*Air Pollution Control Board; 326 IAC 2-10-6; filed Sep 5, 1996, 11:00 a.m.: 20 IR 11*)